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Admitted to PA & NJ Bars

ORDER

October 17, 2018

**Via ECF**

Honorable Douglas E. Arpert, U.S.M.J.  
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse  
402 E. State Street  
Trenton, NJ 08608

RECEIVED  
OCT 18 2018  
DOUGLAS E. ARPERT  
U.S. MAGISTRATE JUDGE  
RECEIVED

**RE: *Lawson, et al v. Praxair, et al***  
**Civil Action No. 3:16-cv-02435**

OCT 22 2018  
AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

Dear Judge Arpert:

This firm represents the Plaintiffs in the above matter. As you are aware, this is a product liability action arising from the April 10, 2014 explosion of a Praxair Grab 'N Go Vantage portable oxygen delivery system.

Please accept this status letter in follow up to the in-person management conference which was conducted on September 19, 2018. The Plaintiffs and Western Defendants met and conferred in-person with respect to the outstanding discovery issues which were detailed in Section II of the April 19, 2018 Joint Status Letter (ECF 136). These issues have been resolved as set forth below.

**A. Western Defendants' Answers to Plaintiffs' Amended Second RFPs 3, 4, 28, 29, 31, 33, and 35**

Western will provide substantive and responsive answers to Requests 3 and 4 on or before December 14, 2018.

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Western will provide substantive and responsive answers to Requests 28 and 29 on or before December 14, 2018. These answers will be provided for all of the products<sup>1</sup> covered by Westerns' prior representations about which Western Products are substantially similar.

Western will provide substantive and responsive answers to Requests 31 and 33 on or before December 14, 2018. These answers will be provided for all of the products that were covered by Westerns' prior representations about which Western Products are substantially similar. The time frame for the requests will be limited by Judge Arpert's prior ruling that the time frame for discovery continues up to the filing of this action.

Western will provide substantive and responsive answers to Request 35 on or before December 14, 2018. These answers will be without limitation as to product because the focus of the question is about use of Krytox and EPDM together or anytime the implications of using Krytox and EPDM together were considered.

**B. Western Defendants' Answers to Plaintiffs' Third Set of RFPs 5, 7, 8, and 9**

In response to Request number 5, Western does not believe that any documents were submitted to or received from any Western insurer regarding the voluntary recall of the Grab 'n Go Vantage Portable Oxygen Cylinder Units. The Western Defendants will confirm this information and provide a formal written answer on or before December 14, 2018.

In response to Request numbers 7-9, Western does not believe that any responsive documents exist in hardcopy. Western states that such information may exist in its ESI productions. The Western Defendants will confirm that no such documents or communications exist (other than potentially in its ESI) and will provide a formal written response on or before December 14, 2018.

**C. Western Defendants' Answers to Plaintiffs' Second Set of Interrogatories, numbers 1-17**

Western states that they are not in possession of any responsive information. The Western Defendants will confirm this and then provide formal answers clearly stating this on or before December 14, 2018.

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<sup>1</sup> The Parties worked through the issues surrounding substantially similar products during April 2018 when the search terms for electronic discovery were being negotiated. With respect to Western related products, it was agreed at that time that the substantially similar products included: AirTOTE, oxyQuik, EZ-OX, OxyTOTE, RG3000, RG4000, and generally any product that employed a Valve Integrated Pressure Regulator (VIPR).

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**D. Western Privilege Log**

The Western Defendants have committed to supplementing their privilege log on or before November 16, 2018. Additionally, further privilege logs will be provided on a rolling basis to cover all productions of documents and ESI as discovery continues.

**E. Conclusion**

The Parties thank your Honor for addressing this matter. Should any further information be needed, do not hesitate to ask.

Respectfully submitted,

/s/ Christopher D. Hinderliter

CHRISTOPHER D. HINDERLITER

cc: **Via ECF**  
All counsel of record

*So Ordered -*  
*Sessant. usat*